

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DANIEL ANTHONY RENDON,)

Plaintiff,)

v.)

Case No. CV409-063

AL ST. LAWRENCE,)

CNT OFFICER STEPHANIE,)

Defendants.)

REPORT AND RECOMMENDATION

Plaintiff filed the above-captioned 42 U.S.C. § 1983 civil rights action against the defendants on April 2, 2008. Doc. 1. The Court granted him leave to proceed in forma pauperis ("IFP"), but directed him to complete and return both a Prison Trust Fund Account Statement form and a Consent to Collection of Fees from Trust Account form before the case could proceed. Doc. 3. The order further advised that if he failed to return the forms within thirty days, the Court would presume that he wished to dismiss his complaint without prejudice. Id. at 5.

Plaintiff never returned the required forms. Instead, he tendered a one-page filing in which he claims that he asked his jailers "to give me a

notarized copie [sic] of my account balance and to send the courts [sic] a copie [sic] and myself a copie [sic]." Doc. 4. He also requests assistance of counsel. *Id.* Thus, Rendon has simply ignored the Order's instructions and enclosed forms (i.e., fill them out and return them). Nor has he come anywhere close to meeting the showing required for appointment of counsel. *See Bass v. Perrin*, 170 F.3d 1312, 1320 (11th Cir. 1999); *German v. Broward County Sheriff's Office*, 2009 WL 418641 at * 4 (11th Cir. Feb 20, 2009) (unpublished) ("The key is whether the pro se litigant needs help in presenting the essential merits of his or her position to the court, but when the facts and issues in the case are simple, appointment of counsel is not required.") (quotes and cite omitted). Hence, the Court **DENIES** his request.

Meanwhile, because the thirty-day deadline expired for complying with this Court's explicit directions has expired, plaintiff's § 1983 complaint should be **DISMISSED WITHOUT PREJUDICE**.

SO REPORTED AND RECOMMENDED this 10th day of June, 2009.

/s/ G.R. SMITH
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA